

## **REMARKS**

Claims 1-8 were examined and reported in the Office Action. Claims 1, 6 and 8 are rejected. Claims 2-5 and 7 are objected to as being dependent on a rejected base claim. Claims 1-8 remain. New Claims 9-15 have been added.

Applicant requests reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that Claims 1 and 8 are rejected under 35 USC 102(e) as being anticipated by Schwenn et al. Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Schwenn et al.

In this connection, although Claims 6 and 8 were not indicated as being allowable, Applicant submits that since Claims 13 and 15 which correspond to Claims 6 and 8 depend from in effect, allowable Claim 2 (i.e., Claim 9), Applicant submits that such claims are in condition for allowance.

Schwenn et al. does not disclose all of the features of Claim 1 as asserted by the Examiner. Regarding the rejection of Claim 1, Applicant submits that Schwenn et al. discloses a lumbar belt comprising a posterior lumbar support part 16, two lateral parts 12, 14, each lateral part being provided with closing means 60, 62 at their respective front free ends. These closing means 60, 62 are used to grasp the nap or loop material on the exterior surface of a front body member 18 (column 4, lines 37-42) which differs from the invention where the closing means of a first lateral part cooperates with the complementary closing means of the second lateral part.

Moreover, Schwenn et al. does not disclose complementary fixing means connected to the free back ends of the lateral parts cooperating with fixing means of the outside face of the posterior part. The Examiner cited column 3, lines 40-47 which discloses that the support member (and not the back free ends of lateral parts) 20 has patches of a hook like configuration that is capable of grasping onto the exterior surface of the rear body member 16. Applicant notes that Schwenn et al. is a lumbo-sacral orthosis and not a lumbar belt. Lumbo-sacral orthosis and lumbar belt are not used for the same pathologies.

Additionally, Applicant has presented new claims, namely, Claims 9-15. Claim 9 correspond to Claim 1 in which Claim 2 has been introduced. Claims 10-15 correspond to Claims 3-8. Applicant notes, with appreciation, the Examiner's indication in the Office Action, that Claims 2-5 and 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, reconsideration and withdrawal of the above rejections is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

**REQUEST FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on July 11, 2007, Applicant respectfully petitions Commissioner for a three (3)- month extension of time, extending the period for response to January 11, 2008. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$525 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(3) small entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

*1/10/08*

  
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**CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail, With Sufficient Postage, In An Envelope Addressed To: Mail Stop Amendments, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Linda Marie Metz

January 10, 2008

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